

REMARKS/ARGUMENTS

Claims 1-32 stand in the present application, independent claims 1, 18, 19 and 30 having been amended. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

Before turning to the Office Action, Applicants wish to note that each of the independent claims in this case have been amended to more clearly require that the initiation of a connection between, for example, a first controller and a second controller is maintained. It is respectfully submitted that none of the cited references teach or suggest Applicants' inventions as now more clearly recited in the amended claims.

In the Office Action, the Examiner has rejected claims 1-4 and 12-17 under 35 U.S.C. § 102(b) as being anticipated by Sit et al. ("Sit"). Applicants respectfully traverse the Examiner's § 102 rejection of the claims.

As shown in Figure 2 of Sit, the "device" (11A) initiates communication with "request 170" to processor 157. However, thereafter the opened communication portal is not kept "open" for an indefinite period. More particularly, the disclosed process in Sit involves the "sneaking in" of device commands in the form of "requests" (171, 173) originating from the remote processor (157) to the local processor (122) via the network, by hoodwinking the firewall. See Sit at column 6, lines 63-65. Furthermore, as described in column 6, lines 37-43 of Sit, each "request" from the remote server needs to be preceded by local processor authority.

This is contrary to Applicants' invention wherein in the claimed method of claim 1, a connection once established in the way described in Figures 3 or 7, is maintained with the advantageous effect described on page 3, lines 17-20 of the present application. In

order to emphasize this distinction over Sit, independent claim 1 has been amended to more clearly require that the first controller is configured to send the device control messages to the second controller after initiation and maintenance of a connection to the first controller by the second controller. Thus, independent claim 1 and its respective dependent claims are believed to patentably define over Sit.

The Examiner has also rejected claims 18-20, 23-25, 29 and 30 under 35 U.S.C. § 102(b) as being anticipated by Crichton et al. (“Crichton”). Applicants respectfully traverse the Examiner’s § 102 rejection of these claims.

As noted above, similarly to independent claim 1, each of rejected independent claims 18, 19 and 30 have been amended to more clearly recite that the connection after initiation is maintained. Crichton is not believed to teach or suggest this feature of Applicants’ invention and accordingly the Examiner’s § 102 rejection of these claims is believed to have been overcome for this reason alone.

Furthermore, with respect to claim 18, it is noted that in Crichton, the connection between the X-client and the X-server is formed by the end proxies (213, 223) initiating connections to the middle proxy (26) using the SOCKS architecture. See Crichton at column 4, lines 42-43. At least the aspect of “initiating a connection to a first controller...from a second controller” in claim 18 is thus missing from the Crichton teaching. This distinction is not trivial, as the direction in which the connection is initiated and established is important – please see present specification at page 3, lines 11-15 concerning the creation of a connection using outbound connections from a device or entity located behind a firewall. Accordingly, claim 18 is believed to patentably define over Crichton for this additional reason.

With respect to independent claims 19 and 30 it is noted that in the Office Action the Examiner alleges that the “middle proxy” (26) performs the function of Applicants’ “monitor station.” See page 5 of the Office Action referencing column 5, line 28 of Crichton. However, this middle proxy cannot, as required for example by claim 19, be “connected to the network on the first [or indeed either] network side” – the end-to-end tunnel cannot be established according to the Crichton method, if the middle proxy was not cited in a “DMZ” between the firewalls. Thus, Crichton does not anticipate Applicants’ claimed inventions wherein the monitor station is connected to the network on the first network side. Moreover, since the information about the server (which equals the “separate device” of claim 19) received by the middle station is received by the client end proxy (which equals the “first controller”) on the second network via the middle station, it makes no sense for the client end proxy to be arranged for “sending the said information [back] to the monitor station” as required, for example in claim 19. Similar arguments apply with respect to claim 30.

A further distinction over Crichton is that the process of transmitting data between the client and server in Crichton is incomplete as to the final part of claim 19 – wherein information about the server is sent between (only) the client end proxy and the middle proxy after the connection there between has been initiated by the middle proxy. Crucially, in Crichton it is the end proxy which initiates the connection to the middle proxy. See Crichton at column 5, lines 1-2. Similarly, Crichton does not teach or suggest the final limitation in claim 30.

HERON, A. et al.
Appl. No. 10/509,089
August 11, 2008

In summary, neither the Crichton set-up nor method reads onto independent claims 19 and 30. Thus, claims 19 and 30 and their respective dependent claims patentably define over Crichton.

The Examiner has also applied a number of secondary references in combination with Sit and Crichton. However, none of the secondary references, namely Shaw, Wegener and Johnson et al. solve the deficiencies noted above with respect to Sit and Crichton. Accordingly, all of the present claims are believed to patentably define over any of the cited references taken either singly or in any combination.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-32, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


Chris Comuntzis
Reg. No. 31,097

CC:lmr
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100